

ORIGINAL

FILED

APR 23 2003

U.S. COURT OF
FEDERAL CLAIMS

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

TEXAS PEANUT FARMERS et. al,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

)
)
)
)
) No. 03-445C
) (Judge Firestone)
)
)
)

ALLOWED APR 24 2003
[Signature]

DEFENDANT'S MOTION FOR AN ENLARGEMENT OF TIME
WITHIN WHICH TO FILE ITS ANSWER OR OTHERWISE PLEAD

Defendant respectfully requests that this Court grant defendant an enlargement of time of 18 days, to and including May 16, 2003, within which to file its answer or otherwise plead. Defendant's answer presently is due on April 28, 2003. This is defendant's first request for an enlargement of time for this purpose. Plaintiffs consent to this motion.

In support of this motion, counsel for defendant states that, immediately upon receipt of plaintiffs' complaint, counsel began to review the allegations and conduct legal research relating to some of the issues raised. The case, however, involves complicated statutory and regulatory programs. Further, there are two cases filed in two different Federal district courts (North Carolina and Alabama), by plaintiff peanut farmers in various states, which raise the same allegations and seek the same relief. Counsel for defendant has been required to consult with agency counsel and two Assistant United States Attorneys

assigned to handle those cases. While counsel of record has made substantial progress in drafting the answer to this lengthy complaint (containing 136 paragraphs of allegations and detailed prayers for relief), counsel requires additional time within which to complete the answer.¹

In addition, this case is one of several cases presently assigned to counsel of record that involve agricultural commodities and relatively recent farm legislation. Counsel is preparing a dispositive motion to be filed in The Peanut Quota Holders Association, Inc. v. United States, No. 02-1664L (Fed. Cl.) (presently due on May 12, 2003, a second motion for enlargement of time having been granted). The Peanut Quota case involves (among other things) challenges to the repeal of the peanut marketing quota; this repeal also forms the basis of the complaint in this case as it relates to plaintiffs' crop insurance policies for peanuts. Further, counsel was recently assigned responsibility for another complex case involving crop insurance, in which the Government's answer was also due on April 28, 2003 (an unopposed motion for an enlargement of time to June 12, 2003, having been filed). ACE Property & Casualty Insurance Co. v. United States, No. 03-470C (Fed. Cl.).

In addition, counsel has responsibilities in other cases during this time and into the coming weeks: J.C. Equipment Corp.

¹ Counsel also has recently been required to make arrangements to travel out of town later this week because her mother is seriously ill.


v. Navy, No. 02-1472 (Fed. Cir.) (brief to be filed May 16, 2003); Schleicher Community Corrections Center, Inc. v. Attorney General of the United States, No. 03-1039 (Fed. Cir. (brief filed March 10, 2003 on jurisdictional issue; court of appeals could at any time require briefing on the merits); Scott & White Health Plan v. United States, No. 03-61C (Fed. Cl.) (answer filed March 11, 2003; opposition to plaintiff's motion to stay filed in late March 2003 (related case filed by same plaintiff pending in Federal district court; defendant's dispositive motion to be filed within the next months)); HPI/GSA-3C, LLC. v. GSA, No. 03-1252 (Fed. Cir.) (appellant's brief expected to be filed in April 2003).

Conclusion

Accordingly, defendant respectfully requests that this Court grant defendant an enlargement of time of 18 days to and including May 16, 2003, within which to file its answer or otherwise plead.

Respectfully submitted,

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April 23, 2003


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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on April 23 2003, I caused to be served by United States mail, postage prepaid, copies of "DEFENDANT'S MOTION FOR AN ENLARGEMENT OF TIME WITHIN WHICH TO FILE ITS ANSWER OR OTHERWISE PLEAD" addressed as follows:

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